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11                   UNITED STATES DISTRICT COURT  
12                   WESTERN DISTRICT OF WASHINGTON  
13                   AT SEATTLE

14 KEVIN T. MCCAGH,  
15                   Plaintiff,

16 v.  
17 HORIZON LINES, LLC, a Delaware limited  
liability corporation,

18                   Defendant.

Case No. CV06-363RSL

ORDER GRANTING MOTION TO  
AMEND ANSWER

19                   This matter comes before the Court on “Defendant Horizon Lines LLC’s Motion to Amend  
20 Answer” (Dkt. # 10). Defendant seeks to amend its complaint to remove defenses in which it disclaimed  
21 responsibility for its employee’s actions. First Amended Answer, aff. def. ¶¶ 26–27. Plaintiff argues that  
22 defendant’s amendment is futile because the Court granted plaintiff’s motion to amend the complaint to  
23 include the employee as a defendant.

24                   Pursuant to Rule 15 of the Federal Rules of Civil Procedure, leave to amend “shall be freely given  
25 when justice so requires.” Fed. R. Civ. P. 15(a). The Court follows a “strong policy in favor of allowing  
26 amendment, and considering four factors: bad faith, undue delay, prejudice to the opposing party, and the

27 ORDER GRANTING MOTION  
28 TO AMEND ANSWER – 1

1 futility of amendment.” Kaplan v. Rose, 49 F.3d 1363, 1370 (9th Cir. 1994). Defendant’s removal of the  
2 sections of its answer which disclaim responsibility for its employee’s actions has a substantial impact on  
3 the character of its defense, and therefore is not futile. There is no reason to prevent defendant from  
4 dropping these affirmative defenses.

5 For these reasons, IT IS HEREBY ORDERED that “Defendant Horizon Lines LLC’s Motion to  
6 Amend Answer” (Dkt. # 10) is GRANTED.

7 DATED this 7th day of June, 2006.  
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11 Robert S. Lasnik  
12 United States District Judge  
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